

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION :

Plaintiff, :

-against- :

07 CV 8849 (PKC)
ELECTRONIC FILING

COLONIAL INVESTMENT
MANAGEMENT LLC,
COLONIAL FUND LLC, and
CARY G. BRODY,

Defendants.

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Affidavit of Ira Lee Sorkin dated December 4, 2007, the exhibit annexed thereto, the accompanying Memorandum of Law, and all prior pleadings and proceedings had herein, defendants Colonial Investment Management LLC, Colonial Fund LLC, and Cary G. Brody, by their attorneys Dickstein Shapiro LLP, will move this Court, before the Honorable P. Kevin Castel, at the United States District Court, Southern District of New York, United States Courthouse, 500 Pearl Street, New York, NY 10007, at a date and time to be set by the Court, for an Order dismissing Plaintiff's Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6), and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
December 4, 2007

DICKSTEIN SHAPIRO LLP

By: s/Ira Lee Sorkin
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Attorneys for Defendants

Certificate of Service

I hereby certify that on December 4, 2007, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic Service upon the following parties and participants:

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